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EXAMINER	
SHEPARD, JUSTIN E	
ART UNIT	**PAPER NUMBER**
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/889,992	LEBOUILL, GILLES	
	Examiner	Art Unit	
	Justin E. Shepard	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-34 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-34 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/24/01.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

The disclosure is objected to because of the following informalities:

On page 11, lines 6-9; parts 3 and 5 are not shown in figure 2.

On page 13, line 26; part 3 is not shown in figure 2

Appropriate correction is required.

Claim Objections

2. Claims 4, 6, 7, 8, 11, 12, 13, 15, 16, 17, 24, 28, 29, 31, 32, and 33 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim 4 is being examined as being dependent on claim 1.

Claim 6 is being examined as being dependent on claim 4.

Claim 7 is being examined as being dependent on claim 4.

Claim 8 is being examined as being dependent on claim 4.

Claim 11 is being examined as being dependent on claim 4.

Claim 12 is being examined as being dependent on claim 1.

Claim 13 is being examined as being dependent on claim 1.

Claim 15 is being examined as being dependent on claim 1.

Claim 16 is being examined as being dependent on claim 1.

Claim 17 is being examined as being dependent on claim 1.

Claim 24 is being examined as being dependent on claim 21.

Claim 28 is being examined as being dependent on claim 21.

Claim 29 is being examined as being dependent on claim 21.

Claim 31 is being examined as being dependent on claim 21.

Claim 32 is being examined as being dependent on claim 21.

Claim 33 is being examined as being dependent on claim 21.

Claim 3 is objected to because of the following informalities: The word "on" should be replaced by the word "one." Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18, 20, and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 3, 12, 17, 21, 22, 23, 28, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Gotwald.

5. Referring to claim 1, Gotwald discloses a method of transmission of digital information in a digital broadcast system comprising a central transmission station and at least one decoder (column 3, lines 26-27, 51-52), the central station transmitting at least one transport stream (column 4, lines 8-9) comprising a stream of packets encapsulating data sections within their payloads (column 4, lines 31-32), at least one encapsulated section including all access control address (column 4, lines 66-67, 22-23) used to control the reception thereof by at least one decoder (column 5, lines 29-32), the access control address being defined by the central transmission station and communicated to said at least one decoder in an address assignment message (column 4, lines 66-67; column 5, lines 29-32; figure 2, parts 40 and 42; Note: The destination address and the PID are being interpreted as equivalent to an address assignment message, each of these are sent with from the head end as seen in figure 2).

6. Referring to claim 2, Gotwald discloses a method as claimed in claim 1, wherein said at least one encapsulated section corresponds to at least one datagram section

(column 5, line 13) used to contain internet protocol data (column 4, lines 31-32), the data contained within a datagram section also including an internet protocol address (Note: in the specification the applicant has noted that in a system that adheres to the TCP/IP protocol, that the "datagram is normally addressed at the network layer with an IP address" (page 2, lines 4-5)).

Referring to claim 3, Gotwald discloses a method as claimed in claim 1 or claim 2, in which said at least on encapsulated section transmitted to said at least one decoder and identified by an access control address is communicated from the central transmission station to said at least one decoder via a telecommunications network (column 3, lines 48-49).

7. Referring to claim 12, Gotwald discloses a method as claimed in claim 1, in which the address assignment message further includes information to enable said at least one decoder to select a packet transport stream containing the data associated with the access control address amongst a plurality of transport packet streams (column 5, lines 29-32).

Referring to claim 17, Gotwald discloses a method as claimed in claim 1, in which at least some of the data encapsulated within a packet payload is encrypted (column 4, lines 49-51).

Referring to claim 21, Gotwald discloses an apparatus for transmitting a transport stream comprising a stream of packets encapsulating data sections within their payloads to a decoder (column 1, lines 10-12), at least one encapsulated section including an access control address used to control reception thereof by a decoder

(column 5, lines 29-32), said apparatus comprising means for defining the access control address (column 4, lines 22-23), and means for communicating to said decoder the access control address in an address assignment message (column 4, lines 66-67).

Referring to claim 22, the claim is rejected because it has the same limitations as rejected claim 2.

Referring to claim 23, Gotwald discloses an apparatus as claimed in claim 21, comprising means for communicating to said decoder via a telecommunications network at least one encapsulated section identified by an access control address (column 3, lines 48-49).

Referring to claim 28, the claim is rejected because it has the same limitations as rejected claim 12.

Referring to claim 33, Gotwald discloses an apparatus as claimed in claim 21, comprising means for encrypting data encapsulated within a packet payload (column 4, lines 49-51).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4, 5, 6, 7, 19, 24, and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Gotwald in view of Brodigan.

8. Referring to claims 4 and 5, Gotwald does not disclose a method as claimed in any preceding claim, in which the address assignment message is sent in response to an access control address request sent to the central station by a decoder; in which an address assignment message is communicated back to that decoder from the central transmission station via a telecommunications network.

Brodigan discloses a method as claimed in any preceding claim, in which the address assignment message is sent in response to an access control address request sent to the central station by a decoder (column 2, lines 16-22); in which an address assignment message is communicated back to that decoder from the central transmission station via a telecommunications network (figure 1, part 14).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the Gotwald method to send the access control address after the decoder sends a request. The motivation for doing this would have been to enable the customer to receive data, such as billing information, only when requested by the owner of such data therefore increasing security (column 2, line 53).

9. Referring to claim 6, Gotwald discloses a method as claimed in claim 4, in which the address request message sent by a decoder includes an Internet protocol number identifying that decoder to the central transmission station (column 5, lines 4-5).

Referring to claim 7, Gotwald does not disclose a method as claimed in any of claims 4, in which the address request message includes an operator identity value associated with the subscription of the owner of the decoder to the services proposed by an operator broadcasting information via the central transmitting means.

Brodigan discloses a method as claimed in any of claims 4, in which the address request message includes an operator identity value associated with the subscription of the owner of the decoder to the services proposed by an operator broadcasting information via the central transmitting means (column 6, lines 32-36).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the Gotwald method to send the operator identity value to the network head. The motivation for doing this would have been to figure out if a set top box has moved from one network to another, and therefore can be dropped from the current one to free up resources (column 6, lines 40-44)

10. Referring to claim 19, Gotwald discloses a method of communication of datagram packets in a digital communication network comprising at least one central control station and a plurality of remote terminals (column 3, lines 26-27, 51-52; column 1, lines 60-62), in which the datagram packets (column 5, line 13) include at least a medium access control address (column 5, lines 29-32) associated with one communication layer of the network and an internet protocol address (column 5, lines 4-5) associated with a second communication layer of the network.

Gotwald does not control a method in which medium access control addresses are dynamically assigned by the central control station in response to a request from a remote terminal.

Brodigan discloses a method in which medium access control addresses are dynamically assigned by the central control station in response to a request from a remote terminal (column 2, lines 16-22).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the Gotwald method to send the access control address after the decoder sends a request. The motivation for doing this would have been to enable the customer to receive data, such as billing information, only when requested by the owner of such data therefore increasing security (column 2, line 53).

Referring to claims 24 and 25, Gotwald does not disclose an apparatus as claimed in claim 21, comprising means for receiving from a decoder an access control address request, said apparatus being adapted to communicate the address assignment message to the decoder in response to said request; adapted to communicate said address assignment message to said decoder via a telecommunications network.

Brodigan discloses an apparatus as claimed in claim 21, comprising means for receiving from a decoder an access control address request, said apparatus being adapted to communicate the address assignment message to the decoder in response to said request (column 2, lines 16-22); adapted to communicate said address assignment message to said decoder via a telecommunications network (figure 1, part 14).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the Gotwald method to send the access control address after the decoder sends a request. The motivation for doing this would have been to enable the customer to receive data, such as billing information, only when requested by the owner of such data therefore increasing security (column 2, line 53).

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gotwald in view of Brodigan as applied to claim 4 above, and further in view of Mao.

Gotwald in view of Mao does not disclose a method as claimed in any of claims 4 to 7 in which the address request message includes an indication of whether the decoder wishes to receive messages in one of a unicast and a multicast mode.

Mao discloses a method as claimed in any of claim 4, in which the address request message includes an indication of whether the decoder wishes to receive messages in one of a unicast and a multicast mode (column 6, lines 48-53, 55-61).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the Gotwald method to offer the subscriber to choose between multi- and uni-cast streams from the network head. The motivation for doing so would have been to enable the subscriber to observe either general media or personalized media (column 6, lines 58-61).

12. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotwald in view of Brodigan in view of Mao as applied to claim 8 above, and further in view of Golden.

Gotwald, Brodigan and Mao do not disclose a method as claimed in claim 8 in which the address assignment message sent by central transmitting station contains a unique access control address in response to a unicast address request and a shared control address in response to a multicast address request; in which the unicast address is a dynamic address assigned at the beginning of a session, in response to the address request received from the decoder.

Golden discloses a method as claimed in claim 8 in which the address assignment message sent by central transmitting station contains a unique access control address (column 37, lines 33-34) in response to a unicast address request and a shared control address (column 37, lines 30-32, 34-36) in response to a multicast address request; in which the unicast address is a dynamic address (column 37, lines 33-34; Note: temporary is being interpreted as equivalent to dynamic) assigned at the beginning of a session, in response to the address request received from the decoder.

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the Gotwald method to assign the temporary addresses disclosed in Golden. The motivation for doing this would have been to enable the network resources to return to the network when a subscriber was finished accessing them.

13. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gotwald in view of Brodigan as applied to claim 4 above, and further in view of Hakulinen.

Gotwald and Brodigan do not disclose a method as claimed in any of claims 4, in which the address request message includes an indication of whether the decoder will remain connected to receive data via a telecommunications network after the communication of the address request message.

Hakulinen discloses a method as claimed in any of claims 4, in which the address request message includes an indication of whether the decoder will remain connected to receive data via a telecommunications network after the communication of the address request message (page 5, lines 12-15; Note: for this device to stay

connected it would be required to send another request which is being interpreted as equivalent to indicating that the device should remain connected in a request message).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the Gotwald method to give up the connection when the transmission was over. The motivation for doing this would have been to enable the network resources to return to the network when a subscriber was finished accessing them.

14. Claims 13 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotwald in view of Mao.

Gotwald does not disclose a method as claimed in any preceding claim in which the address assignment message further includes information to enable said at least one decoder to select the service containing the data associated with the access control address from a plurality of services within a transport packet stream.

Mao discloses a method as claimed in any preceding claim in which the address assignment message further includes information to enable said at least one decoder to select the service containing the data associated with the access control address from a plurality of services within a transport packet stream (column 6, lines 48-53, 55-61).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the Gotwald method to allow the subscriber to access a plurality of services from within the transport stream. The motivation for doing this would have been to give the subscriber the ability to access general media, or personalized media, all from the same service (column 6, lines 58-61)

Referring to claim 29, the claim is rejected because it has the same limitations as rejected claim 13.

15. Claims 14 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotwald in view of Mao as applied to claim 13 above, and further in view of Nandikonda.

Gotwald and Mao do not disclose a method as claimed in claim 13 in which the address assignment message further includes information regarding the data streams carried by that service and identifying the data stream containing the packetised data associated with the assigned access control address.

Nandikonda discloses a method as claimed in claim 13 in which the address assignment message further includes information regarding the data streams carried by that service and identifying the data stream containing the packetised data associated with the assigned access control address (column 7, lines 55-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the Gotwald method to add information to the data to indicate what data is included in the transmission. The motivation for doing this would have been to make the structure of the packets more flexible (column 7, lines 60-61).

Referring to claim 30, the claim is rejected because it has the same limitations as rejected claim 14.

Claims 15 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotwald in view of Edens.

Gotwald does not disclose a method as claimed in any preceding claim in which the central transmission station dynamically controls which transport packet stream amongst a plurality of transport packet streams is used to carry encapsulated packet data addressed for said at least one decoder.

Edens discloses a method as claimed in any preceding claim in which the central transmission station dynamically controls which transport packet stream amongst a plurality of transport packet streams is used to carry encapsulated packet data addressed for said at least one decoder (column 33, lines 39-47).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the Gotwald method to dynamically control which packet stream is used to carry data to subscribers. The motivation for doing this would have been to enable more bandwidth to be dedicated to certain subscribers (column 33, lines 43-44)

Referring to claim 31, the claim is rejected because it has the same limitations as rejected claim 15.

Claims 16 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotwald in view of Nandikonda.

Gotwald does not disclose a method as claimed in any preceding claim in which the central transmission station dynamically controls which service amongst a plurality of services on which encapsulated packet data addressed to said at least one decoder is broadcast.

Nandikonda discloses a method as claimed in any preceding claim in which the central transmission station dynamically controls which service amongst a plurality of

services on which encapsulated packet data addressed to said at least one decoder is broadcast (column 7, lines 6-9, 55-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the Gotwald method to dynamically control which services were transmitted in which packets. The motivation for doing this would be to enable the easy separation of data at the receiving end (column 7, lines 58-59).

Referring to claim 32, the claim is rejected because it has the same limitations as rejected claim 16.

Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotwald in view of Brodigan as applied to claim 24 above, and further in view of Golden.

Gotwald and Brodigan do not disclose an apparatus as claimed in claim 24, wherein the address assignment message contains a unique access control address in response to a unicast address request and a shared control address in response to a multicast address request; wherein the unicast address is a dynamic address assigned at the beginning of a session, in response to the address request received from a decoder.

Golden discloses an apparatus as claimed in claim 24, wherein the address assignment message contains a unique access control address (column 37, lines 33-34) in response to a unicast address request and a shared control address (column 37, lines 30-32, 34-36) in response to a multicast address request; wherein the unicast address is a dynamic address assigned at the beginning of a session, in response to

the address request received from a decoder (column 37, lines 33-34; Note: temporary is being interpreted as equivalent to dynamic).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the Gotwald method to assign the temporary addresses disclosed in Golden. The motivation for doing this would have been to enable the network resources to return to the network when a subscriber was finished accessing them.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mimura; U.S. Patent Number 6,557,031; Transport Protocol Conversion Method and Protocol Conversion Equipment.

Dillon; U.S. Patent Number 6,351,467; System and Method for Multicasting Multimedia Content.

Hara; U.S. Patent Number 6,560,221; Communication Path Control Device, Method, and Unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS

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